

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**GERALD DUNLEAVY and
KIMBERLY DUNLEAVY, W/H,
Plaintiffs,**

v.

**ENCOMPASS HOME & AUTO
INSURANCE COMPANY,
Defendant.**

CIVIL ACTION

NO. 20-1030

ORDER

AND NOW, this 10th day of September, 2020, upon consideration of Defendant Encompass Home and Auto Insurance Company's Motion to Dismiss Pursuant to Federal Rule of Civil Procedure 12(b)(6) (Document No. 5, filed April 23, 2020), Plaintiffs' Brief in Opposition to Defendant's Partial Motion to Dismiss Count II: Bad Faith (Document No. 6, filed May 5, 2020), and Response of Defendant Encompass Home and Auto Insurance Company to Plaintiff's Reply to Defendant's Motion to Dismiss (Document No. 7, filed May 11, 2020), for the reasons set forth in the Memorandum dated September 10, 2020, **IT IS ORDERED** that defendant's Motion to Dismiss is **DENIED**.

IT IS FURTHER ORDERED that a preliminary pretrial conference will be scheduled in due course.

BY THE COURT:

Hon. Jan E. DuBois

DuBOIS, JAN E., J.